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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,108	07/02/2003	Eleftherios Rodousakis	5015.1004	3372
23280	7590	02/15/2006	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/612,108	Applicant(s) RODOUSAKIS ET AL.	
	Examiner James M. Hewitt	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-14.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other:


The objection to the specification for incorporation-by-reference of a foreign application was improper, and applicant should amend paragraph [0001] to include the phrase deleted by amendment. See MPEP 201.13 (II)(G).

The objection to claim 11, line 2 is hereby withdrawn in view of applicant's remarks.

Regarding the rejection under 35 USC 102(b) by Neuschotz, applicant asserts "The Examiner has responded to Applicants' previous arguments by asserting that one element of Neuschotz 'is slid into the other', and therefore is telescopically arranged within the other. Applicants disagree. Neuschotz discloses a connection arrangement that includes a frusto-conically shaped seal surface 29 of interconnector 14 centered about the main axis 30 that mates with a frusto-conical seat surface 30 on ring 21. See column 3, lines 8-13 and Fig. 2. The mating arrangement between the two frusto-conically shaped surfaces 29, 30 is not 'a telescopically sliding' relationship, but rather an abutting or seating relationship. When interconnector 14 is detached from ring 21 and moved away axially from ring 20, the abutting frusto-conical surfaces separate from each other without any relative sliding of surfaces 29 and 30. Thus, the surfaces 29 and 30 do not slide with respect to each other in a telescopic manner." The Examiner disagrees. In Figure 2 of Neuschotz, ring 20 and ring 21 are shown to have an interference fit, as there is not a space shown between the engaged surfaces of the rings. And thus, the surfaces of the rings must contact each other during insertion/removal of interconnector (14). In this sense, Neuschotz's connecting elements are considered to have a telescopically slidable relationship.

Regarding the rejection under 35 USC 102(b) by Shakesby, Applicant asserts that Shakesby fails to teach the limitation "in a connected state of the connecting elements...the latching device is disposed inside one of the first and second flexible tanks so as to be actuatable from outside the respective flexible tank through said respective flexible tank." The Examiner disagrees. It should be understood that access to the inside of the tanks and to the adjustable latching device must be provided. This is presumably through an opening provided at the top of the tanks. Note Figure 1. Via this opening, the latching device is actuatable from the outside through the respective tank. Assuming for arguendo Shakesby provides no opening, Shakesby still meets said limitation insofar as the latching device is actuatable from outside the respective tank through the respective flexible tank via forcibly accessing the inside of the tank (as, e.g., by cutting).

Applicant's arguments regarding the rejection of claim 4 under 35 USC 103(a) over Neuschotz are not understood. This rejection relates to modifying the number of latch/spring elements in Neuschotz.


JAMES M. HEWITT
PRIMARY EXAMINER